

# Daily Digest

## HIGHLIGHTS:

First Session of the 108th Congress adjourned sine die.

## Senate

### Chamber Action

#### *Routine Proceedings, pages S16081–S16215*

**Measures Introduced:** Twenty-five bills and five resolutions were introduced, as follows: S. 1980–2004, and S. Res. 279–283. **Pages S16119–20**

#### **Measures Reported:**

Report to accompany S. 1522, to provide new human capital flexibility with respect to the GAO. (S. Rept. No. 108–216)

Report to accompany S. 1612, to establish a technology, equipment, and information transfer within the Department of Homeland Security. (S. Rept. No. 108–217)

S. 156, to amend the Atomic Energy Act of 1954 to reauthorize the Price-Anderson provisions, with amendments. (S. Rept. No. 108–218)

S. 1401, to reauthorize the National Oceanic and Atmospheric Administration, with amendments. (S. Rept. No. 108–219)

S. 1879, to amend the Public Health Service Act to revise and extend provisions relating to mammography quality standards. (S. Rept. No. 108–220)

**Pages S16118–19**

#### **Measures Passed:**

***Improved Nutrition and Physical Activity Act:*** Senate passed S. 1172, to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, after agreeing to the committee amendment in the nature of a substitute. **Pages S16094–S16100**

***Breast Cancer Postage Stamp Extension:*** Senate passed S. 2000, to extend the special postage stamp for breast cancer research for 2 years. **Page S16159**

***Social Security Protection Act:*** Senate passed H.R. 743, to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, after agreeing

to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S16159–96**

Frist (for Grassley) Amendment No. 2227, to provide for a manager's amendment. **Page S16142**

***Welcoming Public Apologies:*** Senate agreed to S. Res. 237, welcoming the public apologies issued by the President of Serbia and Montenegro and the President of the Republic of Croatia and urging other leaders in the region to perform similar concrete acts of reconciliation. **Pages S16196–97**

***Congo Basin Forest Partnership Act:*** Committee on Foreign Relations was discharged from further consideration of H.R. 2264, to authorize appropriations for fiscal year 2004 to carry out the Congo Basin Forest Partnership program, and the bill was then passed, after agreeing to the following amendments proposed thereto: **Page S16197**

Frist (for Alexander) Amendment No. 2228, to strike the authorization of appropriations for fiscal year 2005. **Page S16142**

Frist (for Alexander) Amendment No. 2229, to amend the title. **Page S16142**

***District of Columbia Budget Autonomy Act:*** Senate passed S. 1267, to amend the District of Columbia Home Rule Act to provide the District of Columbia with autonomy over its budgets, after agreeing to the committee amendment, and the following amendment proposed thereto: **Pages S16197–S16200**

Frist (for Levin) Amendment No. 2230, to provide for metered cabs in the District of Columbia. **Page S16142**

***Trafficking Victim Protection Reauthorization Act:*** Senate passed H.R. 2620, to authorize appropriations for fiscal years 2004 and 2005 for the Trafficking Victims Protection Act of 2000, clearing the measure for the President. **Pages S16200–01**

***Arrest of Mikhail B. Khodorkovsky:*** Senate agreed to S. Res. 258, expressing the sense of the

Senate on the arrest of Mikhail B. Khodorkovsky by the Russian Federation. **Pages S16201–02**

***Congratulating the San Jose Earthquakes:*** Senate agreed to S. Res. 280, congratulating the San Jose Earthquakes for winning the 2003 Major League Soccer Cup. **Page S16202**

***Prevent All Cigarette Trafficking Act:*** Senate passed S. 1177, to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, after agreeing to the following amendment proposed thereto:

**Pages S16202–12**

Frist (for Hatch) Amendment No. 2231, to make certain improvements to the bill. **Page S16142**

***Continuing Appropriations/Technical Corrections:*** Senate passed H.J. Res. 82, making further continuing appropriations for the fiscal year 2004, clearing the measure for the President. **Page S16212**

***U.S. Senate-China Interparliamentary Group:*** Senate agreed to S. Res. 282, providing the funding to assist in meeting the official expenses of a preliminary meeting relative to the formation of a United States Senate-China interparliamentary group. **Pages S16141, S16212–13**

***Child Protection:*** Senate agreed to S. Res. 283, affirming the need to protect children in the United States from indecent programming.

**Pages S16141–42, S16213**

***Printing Authority:*** Senate agreed to H. Con. Res. 345, authorizing the printing as a House document of the transcripts of the proceedings of “The Changing Nature of the House Speakership: The Cannon Centenary Conference”, sponsored by the Congressional Research Service on November 12, 2003. **Page S16213**

***Relative to the Death of the Honorable Paul Simon:*** Senate agreed to S. Res. 281, relative to the death of the Honorable Paul Simon, a former Senator from the State of Illinois. **Pages S16141, S16213–14**

***Agriculture Appropriations Act (Omnibus Appropriations)—Conference Report:*** Senate began consideration of the conference report to accompany H.R. 2673, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004. **Page S16083**

A motion was entered to close further debate on the conference report and, notwithstanding the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Tuesday, January 20, 2004 at 3 p.m. **Page S16083**

A unanimous-consent agreement was reached providing for further consideration of the conference report at 12 noon, on Tuesday, January 20, 2004.

**Page S16214**

***Poison Control Center Enhancement and Awareness Act Amendments:*** Senate concurred in the amendment of the House to S. 686, to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

**Page S16201**

***Pension Funding Equity Act—Agreement:*** A unanimous-consent agreement was reached providing that at a time determined by the Majority Leader, after consultation with the Democratic Leader, Senate begin consideration of H.R. 3108, to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and that the only amendments in order relate to the pension discount rate, deficit reduction contribution relief, and multi-employer plan relief. **Page S16150**

***Authority for Committees—Agreement:*** A unanimous-consent agreement was reached providing that notwithstanding the sine die adjournment of the Senate, all committees were authorized to file legislative and executive reports during the sine die adjournment of the Senate on Friday, January 9, 2004, from 10 a.m. until 12 noon. **Page S16159**

***Appointment Authority—Agreement:*** A unanimous-consent agreement was reached providing that notwithstanding the sine die adjournment of the Senate, the President of the Senate, the President pro tempore, and the Majority and Minority Leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

**Page S16159**

***Signing Authority—Agreement:*** A unanimous-consent agreement was reached providing that during the sine die adjournment of the Senate, the Majority Leader be authorized to sign duly enrolled bills or joint resolutions. **Page S16159**

***Nominations—Agreement:*** A unanimous-consent agreement was reached providing that during the sine die adjournment of the Senate, all nominations remain status quo with certain exceptions.

**Page S16150**

**Nominations—Agreement:** A unanimous-consent agreement was reached providing that the nomination of Rhonda Keenum, of Mississippi, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Services, be jointly referred to the Committee on Commerce, Science, and Transportation, and the Committee on Banking, Housing, and Urban Affairs. **Page S16158**

**Removal of Injunction of Secrecy:** The injunction of secrecy was removed from the following treaties:

Additional Protocol to Investment Treaty with Romania (Treaty Doc. No. 108–13), and

Taxation Convention with Japan (Treaty Doc. No. 108–14)

The treaties were transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed. **Pages S16158–59**

**Messages From the President:** Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the Annual Report of the Railroad Retirement Board for the fiscal year ending September 30, 2002; to the Committee on Health, Education, Labor, and Pensions. (PM–58)

**Page S16117**

#### **Appointments:**

**Commission on Review of Overseas Military Facility Structure of the United States:** The Chair, on behalf of the Democratic Leader, pursuant to Public Law 108–132, appointed the following individuals to the Commission on Review of Overseas Military Facility Structure of the United States: Al Cornella, of South Dakota, and James A. Thomson, of California. **Page S16159**

**National Prison Rape Reduction Commission:** The Chair, on behalf of the Majority Leader, in consultation with the Democratic Leader and pursuant to Public Law 108–79, appointed the following individual: Gustavus Adolphus Puryear, IV, of Tennessee, to the National Prison Rape Reduction Commission for a term of two years. **Page S16159**

**National Prison Rape Reduction Commission:** The Chair, on behalf of the Democratic Leader, after consultation with the Majority Leader and pursuant to Public Law 108–79, appointed the following individuals to the National Prison Rape Reduction Commission: James Evan Aiken, of North Carolina, and Cindy Struckman-Johnson of South Dakota. **Page S16159**

**Nominations Confirmed:** Senate confirmed the following nominations:

Bruce E. Kasold, of Virginia, to be a Judge of the United States Court of Appeals for Veterans Claims for the term prescribed by law.

Cheryl Feldman Halpern, of New Jersey, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2008.

Lawrence B. Hagel, of Virginia, to be a Judge of the United States Court of Appeals for Veterans Claims for the term prescribed by law.

Ephraim Batambuze, of Illinois, to be a Member of the Board of Directors of the African Development Foundation for a term expiring February 9, 2008.

John W. Leslie, Jr., of Connecticut, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2007.

Elizabeth Courtney, of Louisiana, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for the remainder of the term expiring January 31, 2004.

Elizabeth Courtney, of Louisiana, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2010. (Reappointment)

Charles Darwin Snelling, of Pennsylvania, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for the remainder of the term expiring May 30, 2006.

D. Michael Fisher, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

Howard Radzely, of Maryland, to be Solicitor for the Department of Labor.

Thomas J. Curry, of Massachusetts, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for a term of six years.

Alicia R. Castaneda, of the District of Columbia, to be a Director of the Federal Housing Finance Board for a term expiring February 27, 2004.

Alicia R. Castaneda, of the District of Columbia, to be a Director of the Federal Housing Finance Board for a term expiring February 27, 2011. (Reappointment)

Jackie Wolcott Sanders, for the rank of Ambassador during her tenure of service as United States Representative to the Conference on Disarmament and the Special Representative of the President of the United States for Non-Proliferation of Nuclear Weapons.

Rixio Enrique Medina, of Oklahoma, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

Scott J. Bloch, of Kansas, to be Special Counsel, Office of Special Counsel, for the term of five years.

Federico Lawrence Rocha, of California, to be United States Marshal for the Northern District of California for the term of four years.

George W. Miller, of Virginia, to be a Judge of the United States Court of Federal Claims for the term of fifteen years.

Karan K. Bhatia, of Maryland, to be an Assistant Secretary of Transportation.

Jennifer Young, of Ohio, to be an Assistant Secretary of Health and Human Services.

William J. Hudson, of Virginia, to be Ambassador to the Republic of Tunisia.

Hector E. Morales, of Texas, to be United States Alternate Executive Director of the Inter-American Development Bank.

Michael O'Grady, of Maryland, to be an Assistant Secretary of Health and Human Services.

David Eisner, of Maryland, to be Chief Executive Officer of the Corporation for National and Community Service.

Read Van de Water, of North Carolina, to be a Member of the National Mediation Board for a term expiring July 1, 2006.

David Wayne Anderson, of Minnesota, to be an Assistant Secretary of the Interior.

Louise V. Oliver, of the District of Columbia, for the rank of Ambassador during her tenure of service as the United States Permanent Representative to the United Nations Educational, Scientific, and Cultural Organization.

David L. Huber, of Kentucky, to be United States Attorney for the Western District of Kentucky for the term of four years.

William K. Sessions III, of Vermont, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2009. (Re-appointment)

Mary Kramer, of Iowa, to be Ambassador to Barbados and to serve concurrently and without additional compensation as Ambassador to St. Kitts and Nevis, Saint Lucia, Antigua and Barbuda, the Commonwealth of Dominica, Grenada, and Saint Vincent and the Grenadines.

Jeffrey A. Rosen, of Virginia, to be General Counsel of the Department of Transportation.

Edward B. O'Donnell, Jr., of Tennessee, a Career Member of the Senior Foreign Service, Class of Counselor, for the rank of Ambassador during his tenure of service as Special Envoy for Holocaust Issues.

Paul S. DeGregorio, of Missouri, to be a Member of the Election Assistance Commission for a term of two years. (New Position)

Gracia M. Hillman, of the District of Columbia, to be a Member of the Election Assistance Commission for a term of two years. (New Position)

Raymundo Martinez III, of Texas, to be a Member of the Election Assistance Commission for a term of four years. (New Position)

Deforest B. Soaries, Jr., of New Jersey, to be a Member of the Election Assistance Commission for a term of four years. (New Position)

Jon R. Purnell, of Massachusetts, to be Ambassador to the Republic of Uzbekistan.

Thomas Thomas Riley, of California, to be Ambassador to the Kingdom of Morocco.

Margaret Scobey, of Tennessee, to be Ambassador to the Syrian Arab Republic.

Margaret DeBardleben Tutwiler, of Alabama, to be Under Secretary of State for Public Diplomacy.

Marguerita Dianne Ragsdale, of Virginia, to be Ambassador to the Republic of Djibouti.

Timothy John Dunn, of Illinois, a Career Member of the Senior Foreign Service, Class of Counselor, for the rank of Ambassador during his tenure of service as Deputy Permanent Representative to the Organization of American States.

Stuart W. Holliday, of Texas, to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador.

James Curtis Struble, of California, to be Ambassador to the Republic of Peru.

James B. Comey, of New York, to be Deputy Attorney General.

Carol Kinsley, of Massachusetts, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2006.

Arnold I. Havens, of Virginia, to be General Counsel for the Department of the Treasury.

Steven J. Law, of the District of Columbia, to be Deputy Secretary of Labor.

David C. Mulford, of Illinois, to be Ambassador to India. (Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

James C. Oberwetter, of Texas, to be Ambassador to the Kingdom of Saudi Arabia. (Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

Joseph Max Cleland, of Georgia, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2007. (Prior to this action, Committee on Banking, Housing, and Urban Affairs was discharged from further consideration.)

April H. Foley, of New York, to be First Vice President of the Export-Import Bank of the United States for the remainder of the term expiring January 20, 2005. (Prior to this action, Committee on Banking, Housing, and Urban Affairs was discharged from further consideration.)

**Nominations Received:** Senate received the following nominations:

Samuel W. Bodman, of Massachusetts, to be Deputy Secretary of the Treasury.

Robert Jepson, of Georgia, to be a Member of the Internal Revenue Service Oversight Board for a term expiring September 14, 2008.

Paul Jones, of Colorado, to be a Member of the Internal Revenue Service Oversight Board for a term expiring September 14, 2008.

Charles L. Kolbe, of Iowa, to be a Member of the Internal Revenue Service Oversight Board for the remainder of the term expiring September 14, 2004.

Donald Korb, of Ohio, to be Chief Counsel for the Internal Revenue Service and an Assistant General Counsel in the Department of the Treasury.

Brian Carlton Roseboro, of New Jersey, to be an Under Secretary of the Treasury.

Lisa Kruska, of Virginia, to be an Assistant Secretary of Labor.

LaFayette Collins, of Texas, to be United States Marshal for the Western District of Texas for the term of four years.

Peter W. Hall, of Vermont, to be United States Circuit Judge for the Second Circuit.

James L. Robart, of Washington, to be United States District Judge for the Western District of Washington.

Ronald J. Tenpas, of Illinois, to be United States Attorney for the Southern District of Illinois for a term of four years.

Rhonda Keenum, of Mississippi, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Services.

2 Air Force nominations in the rank of general.

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**Nominations Withdrawn:** Senate received notification of withdrawal of the following nominations:

Susan C. Schwab, of Maryland, to be Deputy Secretary of the Treasury, which was sent to the Senate on July 17, 2003.

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**Nominations Returned to the President:** The following nominations were returned to the President failing of confirmation under Senate Rule XXXI at the time of the adjournment of the 108th Congress:

Claude A. Allen, Deputy Secretary of Health and Human Services, to be a Member of the Board of Directors of the African Development Foundation.

Claude A. Allen, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

Jeane J. Kirkpatrick, of Maryland, for the rank of Ambassador during her tenure of service as Representative of the United States of America on the Human Rights Commission of the Economic and Social Council of the United Nations.

Louise V. Oliver, of the District of Columbia, to be a Representative of the United States of America to the Thirty-second Session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization.

Peter Eide, of Maryland, to be General Counsel of the Federal Labor Relations Authority.

Neil McPhie, of Virginia, to be a Member of the Merit Systems Protection Board.

David B. Rivkin, Jr., of Virginia, to be a Member of the Foreign Claims Settlement Commission of the United States.

Susanne T. Marshall, of Virginia, to be Chairman of the Merit Systems Protection Board.

Albert Casey, of Texas, to be a Governor of the United States Postal Service.

James C. Miller III, of Virginia, to be a Governor of the United States Postal Service.

Louis S. Thompson, of Maryland, to be a Member of the Reform Board (Amtrak).

Kirk Van Tine, of Virginia, to be Deputy Secretary of Transportation.

2 Air Force nominations in the rank of general.

2 Army nominations in the rank of general.

**Page S16150**

**Measures Referred:**

**Page S16118**

**Enrolled Bills Presented:**

**Page S16118**

**Additional Cosponsors:**

**Pages S16120–22**

**Statements on Introduced Bills/Resolutions:**

**Pages S16122–42**

**Additional Statements:**

**Pages S16109–17**

**Amendments Submitted:**

**Pages S16142–50**

**Authority for Committees to Meet:**

**Page S16150**

**Adjournment Sine Die:** Senate met at 10 a.m., and, in accordance with the provisions of H. Con. Res. 339, and as a further mark of respect to the memory of the late Honorable Paul Simon, former United States Senator from the State of Illinois, in accordance with S. Res. 281, adjourned at 7:33 p.m., until 12 noon, on Tuesday, January 20, 2004.

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## *Committee Meetings*

*(Committees not listed did not meet)*

### **NOMINATIONS**

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded a hearing to examine the nominations of April H. Foley, of New York, to be First Vice President of the Export-Import Bank of the United States, and Joseph Max Cleland, of Georgia, to be a Member of the Board of Directors of the